

Chapter 22.52- Grading and Drainage

22.52.010

Language revised to acknowledge
NPDES requirements

22.52.010 - Purpose

This Chapter establishes standards for the preparation of sites for development and construction activities, to protect the health, safety and welfare of persons living on or near a project site by protecting against unwarranted or unsafe grading, or soil erosion resulting from grading; by defining appropriate circumstances for tree removal; by providing for adequate drainage and fire protection facilities; and by identifying appropriate standards for other aspects of site development. [22.05.010]

22.52.020

Section merged into 22.52.010

22.52.020 - Purpose and Intent of Grading Regulations

The Board expressly finds that the regulations, conditions and provisions of this Chapter constitute minimum grading standards and procedures necessary to protect and preserve life, limb, health, property, and public welfare.

A. This Chapter establishes standards for grading and excavation activities to mitigate or effectively:

1. Reduce hazards to life and property;
2. Reduce the harmful effects of storm water runoff;
3. Reduce drainage problems from new development;
4. Protect against erosion and sedimentation;
5. Enhance slope stability; and
6. Encourage groundwater recharge.

B. This Chapter is also intended to:

1. Protect natural, scenic, and cultural resources; and
2. Provide for the safety, use, and stability of public rights-of-way and drainage channels; and
3. Prevent related environmental damage to private and public property.

This Chapter also establishes the administrative procedure for the issuance of permits and provides for approval of plans and inspection of grading construction.

22.52.030

Section moved to 22.52.040.
Language largely maintained in tact

22.52.030 - Administrative Procedures

All grading activities are to occur in compliance with the provisions of Chapters 29 and 33 of the currently adopted Uniform Building Code, which is hereby adopted and incorporated into this Title by reference as though it were fully set forth herein. In the event of any conflict between the provisions of this Chapter and Chapters 29 and 33 of the Uniform Building Code, this Title shall apply. [22.05.022]

22.52.040

Renumbered as 22.52.050. New paragraph added. Most of the existing language retained.

22.52.040 - Grading Permit Required

Except as provided in Section 22.52.050.B and C. (Exemption from Permit Requirements), no person shall perform any grading, including both excavation or fill, without first obtaining a grading permit for such work. A separate permit shall be required for each site. Contiguous sites being graded as one integrated project may be considered one site for purposes of this Section.

In granting any permit in compliance with this Chapter, the Director and, where provided, the County Engineer, may impose such conditions as may be necessary to prevent creation of a nuisance or a hazard to public health, public safety, or public or private property or to assure conformity to the County General Plan.

Subsection A

Moved to a new Section 22.52.060. Thresholds changed. Refer to 9/24 staff report, page 1-13 for a description of the changes.

A. Grading. For the purposes of this Chapter, "grading" is defined as follows:

1. All new earthwork that involves one or more of the following activities: excavations, fills, dams, reservoirs, impoundments, diking, dredging borrow pits, stockpiling, or compaction of fill where the amount of material cumulatively for any of the above mentioned operations exceeds 50 cubic yards; AND

a. The excavation is more than two feet in depth, OR

b. Creates a cut slope greater than five feet in height and steeper than one and one half horizontal to one vertical; OR

c. Where the grading is intended to support structures, the fill is more than one foot in depth and placed on natural terrain with a slope exceeding five horizontal to one vertical; OR

d. Where the grading is not intended to support structures, the fill is more than three feet in depth, and does not obstruct or alter a drainage course.

Subsection B

Moved to 22.52.090A. Additional language added, but original intent maintained.

B. Timing of approval. A grading permit shall not be approved prior to the application for a building permit (if applicable), or prior to approval of a General Plan amendment, land use permit or land division if such approvals are necessary to completion of any project on the same site or prior to required approval of any state or federal agencies.

Subsection C

Moved to 22.52.090B. Sentences restructured, but original intent maintained.

C. Alternatives or modifications to approved plans. The issuance of a permit in compliance with this Chapter shall constitute an authorization to do only the work that is described or illustrated by the grading plans and erosion control plans or specifications approved by the Director or drainage plans approved by the County Engineer. Any alternatives or modifications to approved plans shall be approved by the Director or, where applicable, the County Engineer.

Subsection D

Moved to 22.52.090C.1. Language and structure modified for clarification, but original intent maintained.

D. Correction to hazardous condition. Whenever the director determines that any existing excavation, constructed embankment or fill on land subject to County regulations has become a hazard to life and limb, endangers property, adversely affects the safety, use or stability of a public right-of-way or drainage channel, or creates a significant environmental impact, the owner of the property, or other person or agent in control of the property, upon receipt of written notice from the Director, shall within the period specified therein, correct, repair or eliminate the condition and conform with the requirements of this Code.

Subsection E

Moved to 22.52.100A. Language and structure modified for clarification, but original intent maintained.

E. Professionals qualified to prepare grading plans. Plans prepared for minor Grading Plans (as defined by Section 22.52.070.B) may be prepared by anyone who can accurately provide the necessary information for the application and Site Plan Review. This may include the applicant, a draftsman, certified sedimentation and erosion control specialist or licensed individuals who are normally involved with a project such as a civil engineer, architect, landscape architect, or certified sediment and erosion control specialist. Should additional information be required due to unique physical characteristics of the site, this may require the information be prepared by the appropriate licensed professional.

Plans prepared for an Engineered Grading Plan (as defined by Section 22.52.070.C) may be prepared only by professionals licensed by the State of California to prepare grading and drainage plans. The assistance of other licensed professionals, and or a qualified individual approved by the County or those with specialized skills, is encouraged including landscape architects, soil engineers, geologists, engineering geologists, certified sediment erosion control specialists, botanists, biologists, and archaeologists.

Subsection F

Moved to 22.52.090C.2. Language largely remains in tact.

F. Emergency work. Section 22.62.080 establishes the procedures for issuance of emergency permits in situations that constitute an emergency. Corrections, remedies and repairs made necessary by an emergency situation involving the sudden, unexpected occurrence of a break, rupture, flooding or breach of an existing facility which presents an immediate threat to life, health or property, may be made as required before the grading permits are applied for or issued. Written notification and a description of the work shall be submitted to the Director as provided by Section 22.62.080. Permits for emergency work shall be applied for within 15 days of commencement of work. This shall include emergency work done under the Emergency Watershed Protection Program in cooperation with the USDA Natural Resources Conservation Service and the Resource Conservation Districts.

Subsection G

Moved to 22.52.180. Language largely remains in tact.

G. Request for relief from ordinance provisions and standards.

1. A request for relief from the provisions of this Chapter, grading permit conditions of approval, or plan specifications, may be approved, conditionally approved, or denied by the Director. A request for relief must state in writing the provision that is proposed to be varied, the proposed substitute provision, when it would apply, and its advantages. The following findings shall be required to approve or conditionally approve a request for relief:

a. There are special individual circumstances or conditions affecting the property that make the strict letter of this ordinance impractical; and

b. No relief shall be granted unless the relief requested, is consistent with the purpose and intent of this Chapter and does not diminish the health and safety benefits that would be obtained in the absence of a grant of relief.

2. The Director may require additional information from professional engineering, engineering geology or geotechnical engineering or erosion control specialists opinions which are necessary to evaluate the requested relief.

3. As contemplated in this Section, the Director may grant alternative methods of construction or modifications for projects which could be constructed under the basic standard established in this Chapter, but which if relief is granted, can be better or equal to and more economically designed and constructed than if relief were not given. Relief shall not be granted if it would have the effect of allowing the construction of a project which would not be possible under the provisions of this Code without the relief.

Subsection H
Moved to Section 22.52.200.
Language largely remains in tact.

H. Professional education program. In the event that the County adopts a certification Program for grading contractors, where state law requires that earthwork, grading, excavation or fill be performed by a licensed contractor, that licensed contractor shall also be certified by the County. Certification requirements shall be as established by the Board, and may include, but not necessarily be limited to, satisfactory knowledge and understanding of the County Grading, Drainage and Erosion Control Ordinance, and/or familiarity with and continuing education in accepted grading, drainage, erosion and sedimentation control methods.

22.52.050

22.52.050 - Exemptions from Grading Permits

Subsection A
Moved to 22.52.070A. Language strengthened to include that exempt grading cannot create erosion and sedimentation impacts and cannot threaten to cause a hazardous condition.

A. Minimum requirements to determine exempt status. The following considerations must be addressed in determining if grading activities qualify for an exemption under Subsections B. (Non-agricultural exemptions) or C. (Agricultural exemptions).

1. Grading activities are not exempt within a geologic study area as shown in the Land Use Element, except for agricultural grading as provided under Subsection C. and geotechnical/geologic exploration.

2. Grading activities shall receive any necessary approvals from other County, state or federal agencies, regardless of whether the activity is exempt under this Chapter.

Subsection B
Moved to 22.52.070B.
Restructured, but language largely remains in tact. Repair and maintenance was broadened to include agricultural roads, drainage, and irrigation. A new exemption for ongoing agricultural production was added.

B. Exempt grading - Non-agricultural. The following section applies to all grading that does not satisfy the description for agricultural grading in compliance with Subsection C.

1. Exemption from grading permit requirements. The following grading does not require a grading permit. Exempt grading activities must conform to the minimum standards identified in Subsection A.

a. Excavations or fills:

(1) The excavation of material below finished grade for tanks, vaults, basements, retaining walls, swimming pools or footings of a building or structure where such excavations are authorized and under the provisions of a valid Building Permit. This does not exempt any fill made with the material from the excavation.

(2) Cemetery graves.

(3) An excavation where the natural slope of the site is less than 20 percent and 1) less than two feet in depth, not exceeding 50 cubic yards of cumulative grading, or 2) does not create a cut slope greater than five feet in

height, steeper than one and one-half horizontal to one vertical, not exceeding 50 cubic yards of cumulative grading (see Figure 52-4).

(4) A fill less than one foot in depth, intended to support structures or improvements, placed on natural terrain with a slope flatter than five horizontal to one vertical (5:1). (See Figure 52-4.)

(5) A fill less than three feet in depth, NOT intended to support structures, and 1) placed on natural terrain with a slope flatter than five horizontal to one vertical (5:1), 2) does not exceed 50 cubic yards on any one lot, and 3) does not obstruct a drainage course. (See Figure 52-4.)

(6) Excavations or fills for construction associated with improvement plans for final subdivision maps or public projects conducted or approved by the County Public Works Department if consistent with the standards, guidelines and provisions identified in this Chapter.

(7) Excavation or fill within a property dedicated, used, or to be used for cemetery purposes, unless grading is intended to support structures or affects natural drainage patterns.

(8) Maintenance and construction work within the prescribed easements of the San Luis Obispo County Flood Control and Water Conservation District as long as width, height, length or capacity is not increased.

(9) Public works projects constructed by the County or its contractors as provided by Section 22.01.060.

b. Exploratory excavations. Temporary holes or trenches for geological, geotechnical and archaeological exploration, (not to include construction or modification of required access roads), which meet all the following criteria:

- (1) Affect or disturb areas less than 3,000 square feet in size;
- (2) Do not involve more than a cumulative of 50 cubic yards of material;
- (3) The natural slope of the site does not exceed 20 percent;
- (4) Are under the direction and supervision of a soil engineer or engineering geologist or (where applicable) archaeologist;
- (5) Does not result in impacts to archaeological resources or the removal of trees or native riparian or wetland vegetation, or rare, threatened or endangered species. After consultation with the Environmental Coordinator, on-site monitoring may be required.
- (6) Holes or trenches are protected as required by occupational safety and health agency standards.

(7) Effective erosion control measures are utilized as set forth in Section 22.52.130d for all disturbed areas to be protected, restored and revegetation established before October 15 or within 45 days after the completion of work. This 45 days may be extended where work is completed earlier in the year and an extension is necessary for rainfall to assist in site revegetation.

c. Excavations for public utility connections.

(1) Excavations for the installation, testing, maintenance, or replacement of distribution or service facilities for utilities regulated by the California Public Utilities Commission, including electrical, water, or natural gas lines (not to include construction or modification of required access roads), which meet all the following criteria:

1. The natural slope of the excavated portion of the site does not exceed 20 percent;
and
2. Does not involve removal of trees or native riparian or wetland vegetation, or rare, threatened or endangered species; and
3. Effective erosion control measures are utilized in compliance with Section 22.52.130.D to protect, restore and revegetate all disturbed area within 45 days after the completion of work or before October 15.

(2) Excavation and fill of trenches for utility lines not exceeding 24 inches wide or an average of five feet deep, or holes for utility poles or anchors and limited accessory grading.

(3) The initial excavation and fill necessary to effect such temporary repair or maintenance of oil, gas and utility lines as can be completed within seven days of commencement where such combined excavation and fill does not exceed a total of 100 cubic yards of material, effective erosion control and revegetation measures are utilized and the site restored.

d. Clearing of vegetation and fuelbreaks. Clearing of vegetation, (not to include tree removal or removal of vegetation and wildlife protected by the County, state or federal statutes as rare, threatened or endangered) in compliance with CDF recommendations for fuel reduction for forestry or fire protection purposes. Tree removal is governed by Chapter 22.54.

e. Routine maintenance. Routine maintenance of existing, exempt or previously-permitted roads or man-made, engineered flood control channels and levees, and public utility lines as provided in Section 22.52.050.B.1.c where width, length, or design capacity is not increased.

f. Water wells, tunnels, and water pipeline maintenance. Excavations for wells, tunnels (except mining - see Chapter 22.36), and water pipeline maintenance (not to include grading for road work), disturbing an area which does not exceed an aggregate area of 1,000 square feet or exceed total grading (cut plus fill) of 50 cubic yards. Effective erosion control measures, revegetation, and site restoration are required.

g. Miscellaneous.

(1) Refuse disposal sites approved by the County Health Department under the authority of Government Code Sections 66770-66774.

(2) Surface mining operations approved in compliance with Chapter 22.36 (Surface Mining). However, for conversion of a commercial surface mine to site only use the mine is reclaimed according to the approved reclamation plan and will require a grading permit be obtained.

(3) Grading that is a soil, water, and/or wildlife conservation or enhancement project for which a State Fish and Game Alteration Agreement and/or Army Corp of Engineer permit has been secured and which has a design prepared or approved by, and is inspected and certified by the U. S. Natural Resource Conservation Service or the State of California, Department of Water Resources, Central Coast Regional Water Quality Control Board technical staff.

Subsection C
Moved to 22.52.070C. This subsection has substantially changed. For a detailed summary of the changes, please refer to the 9/24 staff report, page 1-15.

C. Exempt grading activities - Agricultural. The County recognizes the importance of agriculture, the need for protection and conservation of agricultural activities and the use, education, and development of safe and environmentally responsible grading, earthwork, and erosion control practices. Exempt grading activities shall conform to the minimum standards identified in Section 22.52.050.A.

1. Criteria for exemption. All agricultural grading shall meet the following standards:

a. All excavated material shall be placed on the same or contiguous parcels.

b. Agricultural grading shall employ sound agricultural management measures and practices such as those recognized by USDA Natural Resource Conservation Service (NRCS) or Cooperative Extension that will not adversely affect slope stability, or groundwater recharge and will prevent off-site drainage, erosion and sedimentation impacts

c. Cut and fill slopes shall be successfully revegetated and maintained so that they complement continued, sound agricultural management practices such as those recognized by the USDA Natural Resource Conservation Service or the Cooperative Extension to encourage recharge and prevent erosion and sedimentation impacts.

2. Exempt agricultural activities. If the agricultural grading meets the minimum standards established in Subsection C.1, it may be determined to be exempt from a grading permit as follows:

Level One and Level Two exemptions have effectively been merged under the heading of "Agricultural Grading"

a. Level One. These grading activities are exempt from the grading permit requirements of Section 22.52.040 or review by NRCS/RCD. Generally, these are on-going routine practices and maintenance activities related to agricultural uses. Appropriate management practices are encouraged to be incorporated in the design and construction such as those in the Field Operations Technical Guide (FOTG) for the USDA Natural Resource Conservation Service. (The practices referenced in the identified activities are taken from the FOTG, a copy of which is available through the County Department and the Resource Conservation District).

Covered as Exempt Grading – ongoing agricultural production.	(1)	Tillage activities. Tillage for the production of food and fiber, the growing of plants, and the raising and keeping of livestock
0-20 percent – Agricultural Grading 20+ percent – Alternative Review	(2)	Creation of new fields or range improvement. Agricultural grading to prepare new land for crop production on less than 30 percent slopes (includes Practices 202, 462, 464, 466 -- Field Operations Technical Guide) which employ sound management practices such as those recognized by USDA Natural Resource Conservation Service or University of California Cooperative Extension.
Covered as Exempt Grading under repair and maintenance	(3)	Maintenance of drainage channels. Routine maintenance of existing agricultural drainage channels provided that there is compliance with all applicable provisions of the California Department of Fish and Game.
Included as Agricultural Grading	(4)	Water pipelines. Installation and maintenance of water pipelines to service agricultural fields or livestock. These should be installed under proper practices recognized by the Natural Resources Conservation Service and the University of California Cooperative Extension Service.
Included as Exempt Grading	(5)	Water wells, tunnels, and water pipeline maintenance. Excavations for wells, tunnels (except mining -- see Section 22.08.190 et seq), and water pipeline maintenance (not to include grading for road work), that permanently disturb an area which does not exceed an aggregate area of 22.52.1000 square feet or exceed total grading (cut plus fill) of 50 cubic yards). Effective erosion control measures, revegetation, and site restoration are required.
Included as Exempt Grading	(6)	Maintenance of existing roads. Routine maintenance of agricultural roads provided the maintenance does not increase the width of the road, is consistent with 22.52.050.C.2.b.(3), and the widening does not exceed the grading criteria as specified in Section 22.52.040.A.
Included as Agricultural Grading with additional limitations	(7)	Irrigation pit. A small storage reservoir constructed to regulate or store a supply of water for irrigation and frost protection. (Practice 552A)
b. Level Two. These grading activities are exempt from the grading permit requirements of Section 22.52.040 or the Resource Conservation District review required under Level Three when they incorporate and maintain specified applicable management practices as provided in the NRCS Field Operations Technical Guide.		
Included as Agricultural Grading	(1)	Hillside improvements. Creation of hillside improvements on slopes less than 30 percent slopes including related drainage improvements, and trail and pathways serving the practice (includes practices 192, 423, 568, 575, and 600).
Included as Agricultural Grading	(2)	Drainage and irrigation. Drainage and irrigation improvements related to improvements for crop production or range improvements. (Includes practices 335, 350, 356, 362, 412, 423, 447, 468, 554, 572, 587, 587A, 620, 638, 640).
Moved to Alternative Review	(3)	Agricultural roads. Those portions of new access roads located on slopes with a natural grade less than 30 percent and used exclusively for, and limited to the support of agricultural crop production, grazing or livestock production activities. Development of the road shall address soil stability, soil permeability, soil fertility for revegetation of side slopes. Exempt roads must be located within an Agriculture or Rural Lands land use category and outside of an urban or village

Under the current ordinance, roads unable to meet these specific requirements were required to get a grading permit or be covered under Alternative Review. The new proposal requires all roads to be covered under Alternative Review.

reserve line, or within a Residential Rural land use category where the road is to serve an existing producing agricultural operation as determined by the Agricultural Commissioner's office (this determination may include documentation of the nature and extent of the agricultural use of the property that justifies the need for the road) and meet all the following criteria:

- (a) Are solely for providing access to water supplies, outdoor equipment or supply storage areas, livestock grazing areas, producing fields, vineyards, or orchards, fire protection, or maintaining fence lines.
- (b) Are providing access to only agricultural exempt buildings or structures. (Note: Agricultural roads providing access to residences or agricultural buildings or structures that require a construction permit [excluding sub-permits for electrical, plumbing, etc] are required to have a grading permit unless they do not exceed the criteria for grading as specified in Section 22.52.050.A. A grading permit may be required for the agriculturally exempt road in the future if it serves a structure that requires a construction permit. Further, the road may be required to meet all current standards.)
- (c) Are located on natural slopes less than 30 percent as measured on the area being disturbed. If construction of the road does not exceed the criteria for grading as specified in Section 22.52.050.A, a grading permit is not required solely because the slope is greater than 30 percent.
- (d) Do not create a cut or fill greater than three feet in height visible from a public road.
- (e) Do not create a roadway more than 16 feet in width.
- (f) Are located more than 50 feet from the top of the bank of any blue line stream shown on the latest USGS 7-1/2 minute topographic quadrangle. If construction of the road does not exceed the criteria for grading as specified in Section 22.52.050.A, a grading permit is not required solely because the grading is located within 50 from the top of the bank. All work must be in compliance with applicable provisions of the Department of Fish and Game.
- (g) Have properly designed and placed culverts, water bars or other erosion control features such as those recognized by the USDA Natural Resource Conservation Service, U.S. Forest Service, and Cooperative Extension Service. Cut and fill slopes can be successfully revegetated and maintained so that they complement continued sound management practices. Vegetation buffer strips are maintained where present between the road and streams to trap sediment before it reaches the stream.
- (h) Are sloped outward or inward at a minimum of two percent;
- (i) Do not divert drainage onto adjacent properties.
- (j) Do not discharge or threaten to discharge silt on adjacent properties, roads, sensitive resource areas, or into streams as shown on the latest USGS 7-1/2 minute topographic quadrangle.
- (k) New roads that are constructed between April 15 and October 15th; unless temporary erosion control measures are in place and the reseeded is assured to occur in the appropriate months for germination as approved by a soil erosion specialist.

Moved to Alternative Review. Also covered under Exempt Grading in some circumstances.

(4) Streambank protection measures. Streambank protection measures when using NRCS Practices and with appropriate Fish and Game licenses, Regional Water Quality Control permits, and Army Corp permits as required. (Includes practices 195, 204, 582, 584).

Moved to Alternative Review

(5) Trail and recreation enhancements. Agricultural production support activities for trail and recreation enhancements of property. (Includes practices 566, 568).

Included in Exempt Grading

(6) Firebreaks. Firebreaks where a strip of bare land or vegetation is designed to retard fire. (Practice 394).

Moved to Alternative Review. Also covered under Exempt Grading in some circumstances.

(7) Soil, water, or wildlife conservation project. Grading that is a soil, water, and/or wildlife conservation/enhancement project for which a State Department of Fish and Game Alteration Agreement and/or an Army Corp of Engineer permit has been secured and which has a design prepared or approved by, and is inspected and certified by the U. S. Natural Resource Conservation Service, or the California, Department of Water Resources, or the Central Coast Regional Water Quality Control Board technical staff.

This note has been expanded and relocated to the beginning of Sections 22.52.070 and 22.52.080.

Note: While the above activities are exempt grading for the purposes of this County's ordinance, you may need to contact the Department of Fish and Game, Regional Water Quality Control Board, Army Corps., U.S. Fish and Wildlife Service, or the California Department of Forestry to ensure the activities comply with their permit or license requirements.

State law requires stopping work and notifying the County Coroner in the event human remains are discovered. It is recommended that earth disturbing activities be avoided in areas of known or suspected burials or archaeological resources.

Level 3 has become Alternative Review. Additional language and requirements have been provided.

c. Level Three. The following activities require a grading permit in compliance with section 22.52.040 unless the applicant elects to use alternative review, inspection, and sign-off through the Resource Conservation District (RCD) to ensure that appropriate management techniques are incorporated in the project design and construction.

For any Level Three agricultural grading the applicant may request that an alternative review procedure be used in lieu of the grading permit requirements of Section 22.52.070 et seq. The alternative review procedure allows grading to be approved, inspected, and signed-off through the Resource Conservation District (RCD) rather than through a grading permit reviewed by the Department of Planning and Building where it has been determined that the proposed agricultural grading is necessary and appropriate to support a recognized agricultural enterprise for the site and incorporates "best management practices".

(1) Applicants electing the alternative review procedure shall submit a summary of the agricultural activity proposed and the manner in which it is to be accomplished for review by the Agricultural Commissioner's Office after consultation with the Resource Conservation District. The submittal shall meet all requirements of the Agricultural Commissioner's Office and Resource Conservation District (RCD) including:

(a) Applicant name, address, telephone numbers and agent information where applicable.

- location or vicinity map.
- (b) Site description and location information, physical address or description of the site
 - (c) Historical and current agricultural use of the site.
 - (d) Project description that includes an explanation of the need or purpose of the grading including how the grading benefits the overall agricultural operation and a site map that characterizes the need or purpose of the grading.
- (2) Activities that are determined to be inappropriate for the site or unnecessary for recognized legitimate agricultural purposes require a grading permit and environmental review where appropriate.
- (3) Level III agricultural grading includes:
- Kept under Alternative Review
- (a) Proposed stock ponds and irrigation and frost protection ponds, that are in areas where the USGS map does not designate the site as a lake, marsh, perennial or intermittent "blue line" stream. (Including offstream practices 349, 378, 397, 400, 402, 404, 436, 552B). This type of grading may require review by the Division of Water Rights and the Department of Fish and Game.
- All agricultural roads can fall under Alternative Review.
- (b) Those portions of new access roads located on slopes with a natural grade over 30 percent developed and used exclusively for, and limited to the support of agricultural crop production, grazing or livestock production activities or when the proposed roads do not meet all the criteria in Level 2.
- Kept under Alternative Review
- (c) Hillside benches for orchards and vineyards on slopes over 30 percent. (Practices 192).
- Kept under Alternative Review
- (d) Major streambank/shoreline protection structures and runoff management systems. (Includes practices 570, 204, 580). This will require appropriate review by the Department of Fish and Game and the Army Corp of Engineers.
- Kept under Alternative Review
- (e) Waste management system improvements. (Including practices 313, 313B, 359). This may require review by the Regional Water Quality Control Board, Air Pollution Control District, and Environmental Health.
- Level 4 has been eliminated. All grading projects not covered as Exempt Grading, Agricultural Grading, or Alternative Review automatically requires a County grading permit.
- d. Level Four - Grading Permit required from Department of Planning and Building. The following agricultural and associated grading requires the issuance of a grading permit in compliance with Sections 22.52.070 et seq.
 - (1) Grading for structures. Any excavation or fill to support a structure, (including agriculturally exempt buildings or structures, residential uses, etc.).
 - (2) Driveways. An access driveway from an existing road to a structure which requires a County construction permit (excluding sub-permits for electrical, plumbing, water wells, etc.)

(3) Nursery specialty projects. Grading for areas which are to be used for nursery specialties that involve the use of a structure, or buildings for which a County construction permit may otherwise be required. Provided that grading to create areas for field grown crops shall be exempt as provided by Subsection C.2.a. (Exempt agricultural activities).

(4) Equestrian facilities. Grading for horse training, boarding or breeding facilities, horse tracks or arenas, or polo fields. This Section applies only to these activities as they are defined as “Specialized Animal Facilities” and “Sports Assembly” in Article 8.

(5) Instream dams and reservoirs. This includes stock ponds, irrigation and frost protection ponds unless exempted by Section 22.52.070.C.1. (This shall not include those exempt soil, water or wildlife conservation projects as provided in Level II or offstream exemptions as provided in Level III).

(6) Source material for improvements. Grading to obtain source material for improvements on site, which are not covered under the provisions of the Surface Mining and Reclamation Act (SMARA).

22.52.060

Moved to 22.52.210. Language largely kept in tact.

22.52.060 - Fees

Fees for grading permits and grading, drainage, and erosion control plan checking shall be as set forth in the fee ordinance adopted by the Board. In compliance with the adopted fee schedule, the Director may require payment of actual recorded costs, plus overhead, for those applications which will exceed County fees for processing, plan checking, administration, and/or inspection.

22.52.070

Subsection A

Moved to 22.52.100B. The structure of the subsection has been changed substantially, but the intent largely remains the same.

22.52.070 - Grading Permit Requirements

A. Grading Plan content. To apply for a grading permit, a grading permit application be submitted, together with the additional information required by this Section. Where grading that requires a permit is proposed in conjunction with a Site Plan Review, Minor Use Permit, or Conditional Use Permit request, those applications may be used to satisfy grading permit information requirements as long as all required information is submitted. This Section modifies Section 3309 of the Uniform Building Code.

A grading permit application include a grading plan which includes the information specified by this Section. A grading plan be legible and accurately drawn to scale using standard drafting techniques. Plans shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of this Chapter and all relevant codes and regulations. Plans shall include, but not be limited to, the following information unless waived by the Director:

1. The name, address, and phone number of the owner and the person by whom the plans were prepared.
2. A description of the land upon which the work is to be performed, including Assessor's Parcel Number, street address, tract, block, and lot number.
3. An accurate location map showing the project in relation to the area or surrounding community.

4. An accurate map showing limits of grading activities.
5. Existing or natural ground contours, and proposed ground contours at maximum two foot intervals for area to be graded and five foot intervals for remainder of site. On rural parcels exceeding 50 acres, existing and proposed contours shall be shown at two foot intervals for area to be graded, and the remainder of site at 20 foot intervals. The latest USGS topographic maps may be used as a source of information for the 20 foot intervals.
6. The location of all existing and proposed surface and subsurface drainageways and drainage systems on the site and adjacent property which may affect or be affected by the proposed project.
7. Elevations of the edge of pavement or road at driveway entrance.
8. Elevation of the finish floor of the garage or other parking areas and ground and finish floor elevations at the base of building or structure corners.
9. The location of all existing and proposed buildings, structures, easements, groundwater recharge areas, wells or sewage disposal systems on site, and the approximate location of these items on adjacent property that are within 100 feet of the property boundary or which may affect or be affected by the proposed project. Show spot elevations at corners of existing and proposed buildings or structures and lots where proposed grading will occur.
10. Any required retaining walls or other means of retaining cuts or fills.
11. An estimate of the volume of earth to be moved, expressed in cubic yards. This may require calculations to support the estimate if determined to be necessary. Specify amounts of cut and fill. Identify location of site(s) to receive fill, showing area and depth of fill. If excavated materials are exported provide statement of method of disposal and proposed location(s).
12. Location, description, type or topographic description of existing rock outcropping, natural feature, vegetation, wooded area or trees six inches or greater in diameter measured 4.5 feet above ground level proposed for disturbance and/or removal. Botanical, archaeological, or biological surveys prepared by a qualified individual may be required if warranted. Show centerline of streams and flood plain lines, if applicable. Clearly identify on the plan the boundary and general characteristics of areas within which no disturbance will occur.
13. An estimate of the maximum and minimum vertical depth of cuts and fills, expressed in feet and cut and fill slope ratios.
14. An estimate of the total area of site disturbance, expressed in square feet or equivalent metric measurement. This total shall include all vegetation removal in addition to soil disturbance.
15. An estimate of total area in square feet or equivalent metric measurement of natural vegetation to be removed.

16. Other additional plans, drawings, calculations, or information deemed necessary by the Director to adequately review, assess, and evaluate the proposed project's impacts and to show that the proposed work conforms with the requirements of this Chapter and other applicable provisions of this Code.

Subsection B

This subsection was folded into 22.52.100B, as these items are required for all grading permits, whether minor or major.

B. Minor Grading Plan requirements. Where Section 22.52.050.A requires a grading permit and the grading will involve less than 5,000 cubic yards; is located on slopes less than 20 percent; is not located within a Geologic Study Area or Flood Hazard combining designation, and is not located on soils identified on public soils surveys as being prone to slides or slippage, the application for a grading permit include the following, unless waived by the Director:

1. All items required by Section 22.52.070.A for a grading plan.
2. Photograph(s) (attached to plans) which clearly show area to be disturbed and characteristics of site.
3. A copy of a soils map and soils descriptions covering the project site and adjacent properties (available for free through the USDA Natural Resource Conservation Service, Upper Salinas - Las Tablas and Coastal San Luis Resource Conservation Districts).
4. Clearly shown groundwater recharge methods that have been incorporated into the project design.
5. Proposed sequence and construction schedule of excavation, filling, stockpiling and other land disturbing activities.
6. A statement as to the specific intentions or ultimate purpose for which the grading is being performed.
7. A drainage plan if required by Section 22.52.080.
8. An erosion and Sedimentation Control Plan (Section 22.52.090), including protective measures to be taken during construction, such as hydro-mulching, berms (temporary or permanent), interceptor ditches, subsurface drains, terraces, and/or sediment traps in order to prevent erosion of the cut faces of excavations or of the sloping surfaces of fills. (This information shall be submitted in the form of a sedimentation and erosion control plan in compliance with Section 22.52.110, when required by that Section.)
9. When required by the Director, each application for a grading permit shall be accompanied by two sets of supporting data consisting of a civil engineering report, soil engineering report, engineering geology report, erosion and sedimentation control report, and/or any other reports necessary. In many instances this information may be shown on the face of the plan.

Reports shall be prepared by qualified professionals with experience in report preparation and grading plan implementation. Recommendations included in the reports that are approved by the Director shall be incorporated into the grading plan. (See Section 22.52.070.C, Engineered Grading Requirements.)

10. A work schedule. Prior to final permit issuance, submit the following information:

- a. Proposed grading schedule or construction sequence.
 - b. Proposed sequence of all erosion and sediment control methods, practices, and devices, and methods of cleaning and disposing of accumulated sediment collected by temporary and permanent sediment control devices.
 - c. Amount of time needed to complete grading activities, and the number and types of earth moving equipment to be used.
 - d. Testing, schedule for compacted fills.
11. Other required information.
- a. A notation stating the amount and location of any material to be deposited in areas other than those shown on the plan.
 - b. Proposed source(s) and amount of material to be used for fill from areas other than those shown on the plans. If the source changes due to other materials becoming available, this information shall be provided to the Department of Planning and Building as known.
 - c. Proposed routes for hauling material, hours of work, and methods of controlling dust.

When the Director has cause to believe that geologic hazards may be involved, minor grading shall be required to conform to engineered grading requirements.

Subsection C
Moved to 22.52.100C. The structure was changed, but the language and original intent is largely maintained.

C. Engineered Grading Plan requirements. If proposed grading will involve 5,000 cubic yards or more, is located on slopes of 20 percent or greater, or is located within a Geologic Study Area or Flood Hazard area, the grading plan be prepared and signed by a qualified, registered civil engineer or other qualified professional licensed by the state to perform such work, and shall include specifications covering construction, inspection and material requirements in addition to the information required for minor grading (Section 22.52.070b).

The following reports shall be required:

- 1. Site and drainage report. The site and drainage report, shall include, but not be limited to:
 - a. The date the report was prepared and the name, address, and phone number of firm or individual who prepared the report.
 - b. Hydrology calculations showing maximum peak discharges of water runoff for 10-year and 100-year storm frequencies and comparison of runoff with and without project. Hydraulic calculations for existing down stream runoff conveyance systems that will be impacted by the proposed project runoff.

- c. Summary of the groundwater recharge methods that have been incorporated into the project design.
 - d. Inspection and approval to establish lines and grades, design criteria for corrective measures, including the required safe storm drainage capacity of channels both on- and off-site; and
 - e. Soils, geology, or civil engineer's opinions and recommendations concerning adequacy of site to be developed by the proposed grading.
 - f. Sequence and type of recommended inspections.
2. Geotechnical report. The Geotechnical Report, shall contain, but need not be limited to, all the following information:
- a. The date the report was prepared and the name, address and phone number of firm or individual who prepared the report.
 - b. Data regarding the nature, distribution, and strength of existing soils.
 - c. Data regarding the nature, distribution, and strength of soil to be placed on the site, if any.
 - d. Conclusions and recommendations for grading procedures.
 - e. Conclusions and recommended designs for interim soil stabilization devices and measures for permanent soil stabilization after construction is completed.
 - f. Design criteria for corrective measures including buttress fills, when necessary.
 - g. Identify existing cuts and fills on site, recommended measures for compaction, slope stability and other factors affecting suitability for support of a structure.
 - h. Engineer's opinions and recommendations concerning adequacy for the intended use of site to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes.
 - i. Sequence and type of recommended inspections.
3. Engineering geology report. The engineering geology report, shall contain, but need not be limited to, the following information:
- a. The date the report was prepared and the name, address, and phone number of firm or individual who prepared the report.
 - b. An adequate description of the geology of the site.

- c. Conclusions and recommendations regarding the effect of geologic conditions on the proposed development.
- d. An opinion on the adequacy for the intended use of site to be developed by the proposed grading, as affected by geologic factors.
- e. Need for underground drainage devices or opportunities for underground recharge devices.
- f. Sequence and type of recommended inspections.
- g. If the proposed grading is for a habitable structure, and the geologist has identified evidence of recent fault ruptures occurring near the proposed structure, additional geological information will be necessary. The guidelines suggested in the California Division of Mines and Geology Notes #49 or subsequent additions shall be used to prepare this supplemental report.

22.52.080

Moved to 22.52.110. Some minor edits were made to the language. Added a trigger for a drainage plan when a project may cause erosion or drainage impacts. Added an exemption for agricultural use. Hydromodification requirement added (see 9/24 staff report, page 1-21). No other substantial changes to content requirements.

22.52.080 - Drainage Plan Required

- A. Requirement criteria. The requirements of this Section apply to all projects and activities required to have land use permit approval. Drainage plans are reviewed and approved by the County Engineer. Drainage plans are to be submitted with or be made part of the Zoning Clearance, Minor Use Permit, Site Plan Review, Conditional Use Permit or grading permit application for a project that:
- 1. Increases or decreases runoff volume or velocity leaving any point of the site beyond those that existed prior to site disturbance activities; or
 - 2. Involves a land disturbance (grading, or removal of vegetation down to duff or bare soil, by any method) of more than 20,000 square feet; or
 - 3. Will result in an impervious surface of more than 20,000 square feet; or
 - 4. Is subject to local ponding due to soil or topographic conditions; or
 - 5. Is located in an area identified by the County Engineer or building inspector as having a history of flooding or erosion that may be further aggravated by or have a harmful effect on the project or adjoining properties; or
 - 6. Is located within a Flood Hazard (FH) combining designation; or
 - 7. Is located over a known high recharge area identified by the County Engineer; or
 - 8. Involves land disturbance or placement of structures within 100 feet of the top bank of any watercourse shown with a blue line on the most current USGS 7½ minute quadrangle map; or

9. Involves hillside development on slopes steeper than 10 percent; or

B. Drainage plan content. Drainage plans shall be neatly and accurately drawn, at an appropriate scale that will enable ready identification and recognition of submitted information. The County Engineer may require drainage plans to be prepared by a registered civil engineer.

1. Basic drainage plan contents. Except where an engineered drainage plan is required, a drainage plan include the following information about the site:

a. Flow lines of surface and subsurface waters onto and off the site.

b. Existing and finished contours at two-foot intervals or other topographic information required by the County Engineer.

c. Building pad, finished floor and street elevations, existing and proposed.

d. Location and graphic representation of all existing and proposed natural and man made drainage facilities for storage or conveyance of runoff, including drainage swales, ditches, culverts and berms, sumps, sediment basins, channels, ponds, storm drains and drop inlets. In addition, private sewage disposal systems must be shown. Include detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with or as a part of the proposed work, together with a map showing the drainage area and hydraulic calculations showing the facilities flow carrying capacities and justifying the estimated runoff of the area served by any drain. Include design discharges and velocities for conveyance devices, and storage volumes of sumps, ponds, and sediment basins.

e. Estimates of existing and increased runoff resulting from the proposed improvements and methods for reducing velocity of any increased runoff.

f. Methods for enhancing groundwater recharge that have been incorporated into the project design or an explanation of non-necessity of groundwater recharge for this site.

g. Proposed flood-proofing measures where determined to be necessary by the County Engineer.

2. Engineered plan content. Engineered drainage plans are to include an evaluation of the effects of projected runoff on adjacent properties and existing drainage facilities and systems in addition to the information required by Subsection B.1.

22.52.090

Moved to 22.52.120.

Subsection A

Revisions were made to clarify that erosion and sedimentation control

22.52.090 - Erosion and Sedimentation Control Plan Required

A. Requirements. An erosion and sedimentation control plan shall be required as part of the grading permit application except when all of the following site characteristics exist:

plans are required by default for all construction projects and other projects involving substantial vegetation removal. A new subsection B was provided to specify the parameters for waiver of the requirement. This was done to address a common misconception that erosion and sedimentation control plans are only required during the rainy season.

Subsection B

Moved to 22.52.120D. No substantial changes were made to the requirements. Compliance with the LID Manual is to be required, and will be verified through a stormwater quality plan.

1. Site has a maximum slope less than 10 percent in the area to be graded;
2. Site is not located within geologically unstable areas;
3. Site is located on soils rated as having a low erosion hazard by the USDA Soil Conservation Service (unless area building inspector is aware of the potential for erosion problems in the area).
4. Site is located more than 300 feet from the top bank of any blue line water course or water feature shown on the most current 7 ½ minute USGS quadrangle map.
5. The grading will not cause organic or earthen materials from logging, construction or other land disturbance activities to be carried into a swale, drainageway, watercourse, or onto adjacent properties by rainfall or runoff.
6. All grading and site disturbance activities will: 1) occur after April 15 and before October 15 and 2) will create minimal site disturbance from combined activities.

B. Erosion and sediment control plan content. An erosion and sediment control plan shall address both TEMPORARY and FINAL measures. Measures shall be in place to control erosion and sedimentation prior to the commencement of grading and site disturbance activities unless the Director determines temporary measures to be unnecessary based upon location, site characteristics or time of year. Plans may be incorporated into and approved as part of a grading or drainage plan, but must be clearly identified as an erosion and sedimentation control plan. Erosion and sedimentation control plans are reviewed and approved by the Director. The plan shall be prepared by a certified sediment and erosion control specialist, a registered civil engineer, registered architect or landscape architect, certified California nurseryman, licensed landscape contractor, Resource Conservation District or USDA Natural Resource Conservation Service Specialist, or other qualified persons acceptable to the Department of Planning and Building with competence and experience in erosion control plan preparation and implementation.

The plan shall consist of graphic and narrative information of sufficient clarity to indicate the nature, extent, location and placement recommendations of the erosion and sedimentation control measures proposed and show in detail that they will conform to the provisions of this Chapter. The location of all practices, methods and devices shall be shown on the grading plan, or on a separate plan at the discretion of the Director. If separate, it shall be attached to the grading plan used in the field. The plan shall contain, but need not be limited to, all the following information unless some of the information is waived by the Director as not needed for the review of a particular site and its characteristics:

1. Grading limits shall be graphically defined on the plan and staked out before site disturbance begins.
2. Estimates of sediment yields before, during, and after construction of the project for a three year period or until revegetation is established. (One acceptable method is the "Universal Soil Loss Equation" developed by the USDA Agricultural Research Service.)
3. Proposed methods and a description of the practices to be used to protect exposed erodible areas during construction, including temporary mulching, seeding, or other recognized surface stabilization measures.

4. Proposed temporary and final methods and a description of the practices to be used for cut or fill slopes to prevent erosive surface runoff, including earth or paved interceptors and diversions, energy absorbing structures, or devices and techniques to reduce the velocity of runoff water.

5. When revegetation is required for smaller disturbed areas near habitats identified at the state and/or federal levels as sensitive (e.g. near creeks or wetlands, coastal scrub), propose an alternative "native-friendly" mix of seeds and/or cuttings that are compatible with the sensitive habitat. The alternative mix to be used shall a) grow reasonably quick; b) be from locally- or commercially-available native seed or plant stock; c) be compatible with the surrounding native habitat and climate; and d) be free from noxious weed seed of local and statewide importance (as identified by the Agricultural Commissioner's Office). Larger areas to be reseeded should consult with a qualified botanist or other qualified expert of native plants to survey the site and determine the best mix of native species.

6. Proposed methods and description of the temporary and final practices to retain sediment on the site, including sediment basins and traps, vegetative filter strips, or other recognized measures, a schedule for their maintenance and upkeep, and provisions for responsibility of maintenance. Include design criteria for the trapping efficiency and storage capacities of sediment basins for flows from a 10-year storm.

7. Proposed methods, application technique, seed and fertilizer rate, sequence, and description of final erosion control practices for revegetation of all surfaces disturbed by vegetation removal, grading, haul roads, or other construction activity, unless covered with impervious or other improved surfaces authorized by approved plans. A schedule for maintenance and upkeep of revegetated areas shall be included. Erosion control methods may include a combination of approved mechanical or vegetative measures, including those described in USDA Soil Conservation Service Bulletin 347 - Controlling Erosion on Construction Sites or the Drainage Improvement Guide for Unpaved Roads.

8. The type, location, and extent of pre-existing and undisturbed vegetation on the site.

9. An estimate of the cost of implementing and maintaining all erosion and sediment control practices where bonds or other financial assurances are proposed or required.

10. A statement by the individual preparing the plan that the plan represents the minimum site disturbance necessary to achieve erosion and sediment control.

11. Descriptions of proposed methods to limit access routes and stabilize all access points, and to delineate clearing limits, easements, setbacks, sensitive areas, buffer areas, and drainage courses.

12. Other additional plans, drawings, calculations, photographs, or other information which are necessary to adequately review, assess, and evaluate proposals and to show that they conform with the requirements of this Chapter.

Subsection C

This subsection is folded into the new Stormwater Pollution Prevention Plan section – 22.52.130.

C. Regional Water Quality Control Board review. For projects that disturb greater than five acres of land, the Erosion Control Plan must be part of a Storm Water Pollution Prevention Plan as required for compliance with NPDES Storm Water Discharge General Permits for Construction Activity administered by the State Water Resources Control Board and the Regional Water Quality Control Board.

Subsection D
Moved to 22.52.120E

D. Field and weather conditions. If field or weather conditions warrant, the Director may require erosion and sedimentation control if not originally required or modification of the erosion and sedimentation control methods, procedures, or devices after grading activities commence.

22.52.100

Moved to 22.52.140. Language largely maintained in tact.

22.52.100 - Groundwater Recharge

A. Requirements. Groundwater recharge elements must be included in the project design to mitigate the impacts on recharge caused by the reduction in the permeability of soil areas on the site except when the following site characteristics exist:

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1. High groundwater in the area limits the effectiveness of recharge efforts or enhancing groundwater recharge would create additional problems related to high groundwater.

2. The entire site being developed is shown to contain impervious soils that would not benefit from recharge efforts.

3. There is a known geologic instability that would be negatively impacted by increased groundwater recharge.

4. It can be demonstrated that no additional runoff will occur from the development.

5. Federal or state regulations prohibit recharge.

B. Groundwater recharge. All areas on the project site that will become impervious or will have their soil permeability impaired (such as compacting soil under an all weather driveway) must be mitigated to the maximum extent practicable with recharge enhancement elsewhere on the parcel. Offsite mitigation is a secondary alternative.

The Design Elements for Enhancing Groundwater Recharge handout available from the Department of Planning and Building has numerous ideas and design elements that can be incorporated into the project. This is not a complete list; developers are encouraged to incorporate other ideas that will retain water in a manner that encourages soil contact and percolation. The project plans should clearly indicated the capacity of each recharge area.

22.52.110

Subsection A
Moved to 22.52.090D. Most of the language has been retained. A reference to Categorical Exemption Class 33 was added.

22.52.110 - Review, Approval and Permits

A. Environmental review.

1. Environmental determination. As required by Title 14 of the California Administrative Code, all grading permit applications are to be reviewed by the Environmental Coordinator for an environmental determination in compliance with the California Environmental Quality Act (CEQA). This Section does not apply to those applications that are deemed exempt from the provisions of CEQA in compliance with section 15304 or 15061(b)(3) of the State CEQA Guidelines. Exempt applications are those that propose grading on terrain with slopes less than 10 percent, will involve less than 5,000 cubic yards of earth moving, are not located within a Sensitive Resource Area combining designation, and are consistent with criteria for approval in Subsection B.1.

In any case where a drainage plan is required by Section 22.52.080 and an environmental determination is not otherwise required by Section 22.62.060 (Conditional Use Permit), Chapter 22.14 (Combining Designations), or Section 22.52.050 (Exemptions from Grading Permits), the project application shall be subject to an environmental determination in compliance with Section 22.62.060.B.1 before a decision to approve the application, except for single-family residences which are exempt from the provisions of CEQA.

Unless exempt, no action shall be taken to approve, conditionally approve, or deny a grading permit or drainage plan until it is.

a. Accompanied by a written determination by the Environmental Coordinator that the project is exempt from the provisions of CEQA; or

b. Accompanied by a duly issued and effective negative declaration; or

c. Accompanied by a certified environmental impact report.

2. EIR required. Where an environmental impact report (EIR) is required in compliance with CEQA and;

a. If a Conditional Use Permit is not required by other provisions of the title, a grading permit application shall be processed, reviewed, and approved according to all the provisions of Section 22.62.060 (Conditional Use Permit), and the criteria of Subsection B.1 (Criteria for Approval); or

b. If the Conditional Use Permit is required by other provisions of this Title, a grading permit application shall be processed, reviewed, and approved according to the provisions of this Section, including a requirement that the grading permit application shall be consistent with and satisfy all condition of approval of the Conditional Use Permit.

3. EIR not required. Where a grading permit is determined to be exempt from the provisions of CEQA or has been granted a proposed negative declaration, the Review Authority may approve the environmental determination and the permit where the proposed grading is in conformity with applicable provisions of this Title, provided.

a. The Director may require that grading operations and project designs be modified if delays occur that result in weather-generated problems not addressed at the time the permit was issued.

b. Where a proposed negative declaration for a grading permit has been issued upon an agreement by the applicant to incorporate mitigation measures into the project that are necessary to reduce its environmental impacts, such mitigation measures shall be added and shown on the grading plans prior to permit issuance, and their completion and inspection shall be required prior to final inspection approval.

c. The comment period for the negative declaration has expired and no comments have been submitted.

d. The grading permit received an exemption under CEQA.

Subsection B

Moved to 22.52.090E. Some additions were made to the criteria for approval to incorporate EIR mitigation measures and to acknowledge NPDES requirements.

B. Approvals.

1. Criteria for approval.

a. Grading plan. A grading permit may be issued where the Director first finds, where applicable, that.

(1) Proposed grading is consistent with erosion control plan requirements (Section 22.52.090) and applicable standards (Section 22.52.130.D);

(2) The proposed grading design is consistent with the characteristics and constraints of the site;

(3) The extent and nature of proposed grading is appropriate for the use proposed, and will not create site disturbance to an extent greater than that required to establish the use;

(4) Proposed grading is consistent with the intent of the General Plan and any applicable specific plan;

(5) Proposed grading will not result in accelerated erosion, stream sedimentation, significantly reduced groundwater recharge or other adverse effects or hazards to life or property;

(6) Proposed erosion and sedimentation control measures are appropriate for the degree of site disturbance proposed and characteristics of the site and will result in the establishment of a permanent vegetative cover on denuded areas not otherwise permanently stabilized.

(7) Unless overriding findings have been made, the proposed grading will not create substantial adverse long-term visual effects.

(8) If the proposed grading is for the creation of a building site, a design for an access road, if necessary, shall be approved with the grading permit and that adequate sewage disposal and water supplies are available.

b. Drainage plan. All drainage plans shall be submitted to the County Engineer for review, and are subject to the approval of the County Engineer, prior to issuance of a land use, grading or construction permit, as applicable.

(1) Appeal. Actions of the County Engineer on drainage plans may be appealed to the Board in compliance with the procedure set forth in Section 22.70.050; except that where the site is within a Flood Hazard combining designation, the procedure described in Section 22.14.060.D.4 shall be used.

(2) Plan check, inspection and completion. Where required by the County Engineer, a plan check and inspection agreement be entered into and the drainage facilities inspected and approved before final project approval is issued.

2. Optional conditions of approval. The Director may refer application materials to appropriate agencies for review and comment prior to grading permit approval. In granting any permit in compliance with this Chapter, the Director may impose conditions as reasonably necessary to prevent adverse environmental impacts, nuisances, or unreasonable hazards to persons, public or private property, sensitive resources, existing vegetation, or cultural resources. The Director may modify or add conditions to any valid permit granted in compliance with this Chapter when the Director finds that the modification or addition is reasonable and necessary to prevent creation of a nuisance, hazardous condition, or unreasonable hazard to persons, private property, sensitive resources, existing vegetation or cultural resources. Conditions may include, but are not limited to:

- a. Improvement of any existing grading to bring it up to the standards required by this Chapter for new grading.
- b. Requirements for fencing of excavations or fills which would otherwise be hazardous.
- c. Adequate dust control measures by watering or other acceptable methods recommended by the Air Pollution Control District and approved by the Director.
- d. An approved operational plan for creating, using and restoring a borrow area or pit.
- e. Compliance with the purpose and intent of these grading, drainage, erosion and sedimentation control regulations (Section 22.52.020) or the grading, drainage, erosion and sedimentation control standards of Section 22.52.130.
- f. Requirements for fencing or other protective measures around cultural resources, native trees, riparian or wetland vegetation, or other sensitive resources identified for protection.
- g. Mitigation measures identified in the project's negative declaration, developer's agreement, or environmental impact report.
- h. Haul routes for materials and hours of operation.
- i. Requirements necessary to implement the recommendations identified in the project's civil engineering report, soils engineering report, engineering geology report, or erosion and sedimentation control plan.
- j. Transfer of responsibility agreement if original civil engineer, soils engineer, engineering geologist, erosion control specialist, or grading contractor is replaced.
- k. Additional groundwater recharge measures if the project site is known as a valuable groundwater recharge area.

3. Security. The Director shall require guarantees of performance for all engineered grading plans as set forth in Section 3311 of the Uniform Building Code and Section 22.64.040, to ensure that the work, if not completed in compliance with the approved plans and specifications, will be corrected to eliminate hazardous conditions, or restore the site to pre-graded or natural

condition. The Director may also identify minor grading permits that require such security to ensure that environmental impacts are mitigated.

a. A performance agreement and security posted with the County may be required if, in the Director's opinion, site characteristics including slope, proximity to waterways or neighboring structures, or sensitive resources, or the nature of work to be performed warrant a guarantee.

b. The guarantee of performance shall be on one hundred percent, (plus 20 percent for contingencies, engineering and inspection) of the full amount required to assure completion, restoration and/or remediation, based upon estimates approved by the Director and a must provide a right of entry from the property owner.

c. Every guarantee of performance shall be made on the conditions that the permit holder shall.

(1) Comply with all the provisions of this Code, applicable laws and ordinances.

(2) Comply with all of the terms and conditions of the grading permit.

(3) Complete all grading, drainage and erosion control work contemplated under the grading permit within the time limit specified in the grading permit, or if no time limit is so specified, the time limit specified in this Chapter. The Director may, for sufficient cause, extend the time specified in the permit, but no extension shall release the owner or the surety on the bond or person issuing the instrument of credit.

d. Each guarantee of performance shall remain in effect until the completion of the work as specified according to the plans, specifications, and terms and conditions of the grading permit to the satisfaction of the Director.

e. In the event of failure to complete the work or failure to comply with all of the conditions and terms of the grading permit, the Director may order such work as in his opinion is necessary to correct any deficiencies or eliminate any dangerous conditions and leave the site in a safe condition. The Director may order the work authorized by the permit to be completed to a safe and stable condition to the Director's satisfaction, or may order restoration of the site to pre-graded or natural condition, or such condition deemed appropriate by the Director. The permit holder and/or the surety executing the performance agreement shall continue to be firmly bound under a continuing obligation for the payment of all necessary costs and expenses that may be incurred or expended by the County in causing any and all such work to be completed. In the case of a cash deposit, any unused portion thereof shall be refunded to the permittee.

f. The guarantee of performance, less costs of remedial work, if any, shall be released when the Director determines that the erosion, sediment control, and revegetation practices have adequately stabilized the site.

g. The grading permit may provide for the partial release of the bond or other security required by this Section upon the partial acceptance of the work in compliance with Section 22.52.110.C.5 (Notification of Completion).

h. Any contractor or other person engaged in continuous or repeated excavations or, in the case of a construction permit, concurrent with that permit, may provide a blanket security or blanket deposit in the amount sufficient to insure

prompt completion of all excavation projects being conducted at any one time. If the number or amount of excavation projects exceeds the amount of the security or deposit, the Director may require additional security or deposit to insure completion of all work being done at any one time.

This restriction has been incorporated into 22.52.090A.

Subsection C

Moved to 22.52.090F. Most of the language remains largely in tact. Permit time limits are proposed to be changed to mirror the time limits established in the County's Building and Construction Ordinance when grading is associated with construction. Additionally, the time limits for "as built" (unpermitted) grading would mirror the as-built requirements in the Building and Construction Ordinance.

4. Restriction on grading approvals. If grading is for the creation of, or access to, a building site, land disturbance shall not take place until a building permit has been accepted for processing. If grading is for a proposed project which requires discretionary approval, grading shall not take place until approval(s) are received and required appeal periods expire. If plan approval cannot be issued until determination of adequate water and/or sewage disposal or other required site investigation is made, land disturbance shall be limited to the extent necessary to allow such an investigation. Erosion control measures and/or site restoration shall be required after site investigations are completed. This provision shall not apply to subdivision improvements or road construction required as a condition of approval of a land division.

C. Permits.

1. Permit application procedure. An application for grading permit consists of written and graphic information in compliance with Section 22.52.070.A (Grading Plan Content). Not all applications require the same level of information. In some situations, additional information may be required after initial review based upon the nature, degree, or location of proposed work.

2. Permit time limits.

a. Commencement of grading. An approved grading permit is valid for a period of one year from the effective date of the permit, after which the permit shall expire unless.

(1) Grading has begun; or

(2) An extension has been granted as set forth in this Section.

b. Completion of grading. Grading operations shall be completed consistent with the time of year limitation listed in Section 22.52.090.A.6, and within 180 days from the date of commencement of grading unless an extension has been granted, or the initial approval specifies a longer term for completion. If the grading operations are not completed within 180 days from the date of commencement of grading, the permit shall expire unless an extension has been granted. Grading authorized by a permit that expires in compliance with this paragraph shall constitute a nuisance and shall be subject to abatement in compliance with Chapter 22.74 unless a new permit is obtained in compliance with Section 19.04.034c, and work is completed.

c. Extension of grading permit. Any permit holder with an unexpired grading permit may apply for an extension of the time within which grading operations are to be begun or completed. The Director may extend the expiration date of the permit for a period not exceeding 180 days, where the permit holder has requested such extension in writing and has shown that circumstances beyond the control of the permit holder have prevented commencement or completion of grading. The Director may extend the permit for additional periods of 180 days after a site investigation confirms that grading activities and site conditions conform to the provisions of this Title, and where proper completion of grading, temporary and final sedimentation and erosion control measures (Section 22.52.090) in compliance with the provisions of this Title have been assured through a bond or other guarantee of performance (Section 22.64.040).

3. Revocation of permits.

a. Failure to comply with any provision of this Chapter or the permit may cause revocation or suspension of the permit, and in either case, the owner or permit holder shall be notified in writing of this action and the reasons for the action.

b. If the operations of the permit holder create an unreasonable occurrence of dust, noise, excessive traffic or other nuisances, the Director may require the permit holder to take measures to abate the nuisance and may suspend the permit until abatement measures are taken. Continuance of work without abating the nuisance shall be reason to revoke the permit.

This has been moved under 22.52.090C. Paragraph “a” has been labeled as “unpermitted grading” and expanded to incorporate new requirements. Paragraph “b” has been labeled “denial and site restoration” and remains largely in its original form.

4. Denial of permits - Restoration.

a. If grading operations are commenced before first securing a proper permit, no permit will be issued until all illegal grading has been stopped, except to restore the site to its original condition or to correct hazardous conditions to the satisfaction of the Director, and all violation fines levied as misdemeanors or civil penalties are paid in full. The Director may require approval and implementation of an erosion and sedimentation control plan in the interim if weather or site conditions warrant such action. In the event that no grading permit, erosion control permit, or land use permit can be issued for such operations, the site shall be restored to an acceptable condition as determined by the Director.

b. If restoration is required of a site by the Director, restoration plans, prepared by a certified Sediment and Erosion Control Specialist or by other additional qualified professionals at the discretion of the Director, shall be submitted for review and approval prior to any restoration. The permit holder shall pay a restoration permit fee, in addition to any applicable penalties, which shall be equal to the fee that would be charged for a grading permit fee for the same work. Restoration shall be made in conformity with the approved plans.

5. Notification of completion. The permit holder shall notify the Director when the grading operation is ready for final inspection. Final approval shall not be given until all work, including installation of all drainage and recharge facilities and their protective devices, and all erosion and sediment control measures have been completed in compliance with the final approved plans, and the required reports have been submitted and approved by the Director.

22.52.120

22.52.120 - Construction and Inspections

Subsection A

A. Construction procedures.

Moved to 22.52.170A.2 – original intent retained.

1. Preconstruction meeting. Due to characteristics of the site, nature of proposed work or required mitigation measures, the Director may require a meeting prior to any site disturbance or grading activities involving any of the following: applicant, grading contractor, engineer or other professional consultant, grading inspector or other employees of the Department of Planning and Building.

Moved to 22.52.160A – language largely maintained in tact.

2. Modifications to approved plans. No work based upon any modifications to the approved plans shall proceed unless and until such modifications have been approved by the Director, and where applicable, the County Public Works

Department. The proposed change shall not result in greater environmental impacts not considered in the approved environmental document. Change orders must be reviewed expeditiously to allow the job to be able to proceed.

Moved to 22.52.170B – language largely maintained in tact.

3. Exposure of work. Whenever any work for which inspections are required is covered or concealed by other work without having been inspected, the Director may require that such work be exposed for examination.

Moved to 22.52.160B – language largely maintained in tact.

4. Grading hours - Limitations. No grading work (except for agricultural exemptions and emergency operations specified in Section 22.52.050), which requires a grading permit under the provisions of this Chapter shall take place between the hours of 7:00 p.m. and 7:00 a.m. weekdays and between the hours of 5:00 p.m. and 8:00 a.m. on the weekends, unless the Director or approved conditions of a land use permit finds that such operation is not likely to cause a significant public nuisance and authorizes expanded or night operations in writing. Hours of operation on the weekends may be further regulated by conditions of the grading permit.

Moved to 22.52.160C – standards have been expanded to incorporate Air Quality mitigation from the EIR.

5. Dust debris - Control. All graded surfaces and materials, whether filled, excavated, transported or stockpiled, shall be wetted, protected or contained in conformance with the requirements of the San Luis Obispo County Air Pollution Control District to prevent the generation of dust. Construction equipment and materials on the site shall be used in such a manner as to avoid creating a public nuisance. Roadways and graded areas on the site shall be surfaced or wetted sufficiently to prevent the generation of excessive dust at all times. (See Mitigation Guidelines for Air Quality Impacts from construction prepared by APCD.)

Moved to 22.52.160F – language largely maintained in tact.

6. Responsibility of permit holder.

a. The permit holder and agents shall carry out the proposed grading in compliance with the approved plans and specifications, conditions of the permit and the requirements of this Chapter and conditions and permits as required by the Director.

b. The permit holder and agents shall maintain all required protective devices, sedimentation and erosion control devices, and temporary drainage facilities during the progress of the grading work and shall be responsible for observance of working hours, dust controls and methods of hauling. The permit holder and agents shall be responsible for maintenance of the site until final inspection. The permit holder or agents shall become subject to the penalties set forth herein in the event of failure to comply with this Chapter and other applicable laws of the County. No approval shall exonerate the permit holder or agents from the responsibility of complying with the provisions and intent of this Chapter.

c. During grading operations the permit holder shall be responsible for the prevention of damage to any roadways, public improvements, utilities or services. This responsibility applies within the limits of grading and along any equipment travel routes.

d. Notwithstanding the minimum standards set forth in this Chapter and Uniform Building Code Chapters 29 and 70, the permit holder is responsible for the prevention of damage to adjacent property and no person shall excavate on land so close to the property line as to endanger any adjoining public street, sidewalk, alley, structure, trees, vegetation, or any other public or private property without supporting and protecting such property from settling, cracking, or other damage which might result.

Subsection B

Moved to 22.52.170A – language expanded and new inspections added as needed to comply with NPDES requirements.

B. Inspections.

1. Specific inspections. Not all grading projects require the same type or frequency of inspections by the Department of Planning and Building. One or more of the following inspections will be required, based upon characteristics of the site and nature of work proposed.

- a. Initial site inspection. Prior to permit approval and plan checking.
- b. Initial inspection. After permit issued, but before any site disturbance, grading, demolition, grubbing, brushing, or clearing is started. Erosion and sedimentation control measures must be in place if required.
- c. Toe inspection. After the natural ground is exposed and prepared to receive fill, but before any fill is placed.
- d. Excavation inspection. After the excavation is started but before the vertical depth of the excavation exceeds 10 feet.
- e. Fill inspection. After the placement of fill is started, but before the vertical height of the fill exceeds 10 feet, and at two foot vertical increments thereafter unless waived by the Director. In addition, the fill must be inspected by a qualified lab requiring testing for each two feet of fill.
- f. Drainage or groundwater recharge device inspection. After forms and pipe are in place, but before any gravel or concrete is placed.
- g. Key and bench inspection. After keys and benches are excavated, but before fill is placed.
- h. Rough grade inspection. When all rough grading has been completed.
- i. Final inspection. When all work, including installation of drainage structures, other protective devices, erosion control, planting and slope stabilization have been completed and the "as-graded" plan and required reports have been submitted to the Director and accepted as complete.
- j. Other inspections or investigations. In addition to the inspections above, such other inspections of any work to ascertain compliance with the provisions of this Chapter and other laws and regulations as may be required by the Director. A licensed landscape architect, qualified biologist, archaeologist, erosion control specialist, or other qualified professional may be required to be present during inspections.

Replaced by 22.52.170 subsections D and E.

2. Project inspector. All grading construction and other work for which a permit is required shall be subject to an initial site investigation prior to commencement of any site disturbance or grading activity and either periodic or continuous inspections by authorized Department employees. Where the Director determines it to be necessary to protect the public safety because of the nature and type of material involved, the type of work proposed, or the purpose of the work, the work shall have either continuous or periodic special inspections and supervision by a civil engineer or geotechnical engineer or other individuals if

licensed by the State of California to perform this work. Prior to final approval of grading work under any type of permit, a final inspection shall be made of all construction or work for which a permit has been issued by an authorized Department employee.

Moved to 22.52.170F – original language largely retained.

3. Inspection process.

a. Grading shall not be commenced until the permit holder or agent has posted an inspection record card in a conspicuous place on the site to allow the inspector to make the required entries thereon regarding inspection of the work. This card shall be maintained and available on the site by the permit holder until final approval.

b. The permit holder, agent, or contractor shall have an approved set of grading, drainage and erosion control plans and specifications on the site and available at all times while work is in progress until final approval. The plans and specifications shall also include any mitigation measures approved by the Environmental Coordinator.

c. In the absence of a specific work site designation, the Director may require the site to be surveyed and staked by a civil engineer or land surveyor licensed by the State of California so that the proper location of the work on the lot or parcel may be determined.

d. Inspections for a grading permit shall be made as provided herein and work shall not continue until approval to proceed has been granted, following inspection. The permit holder shall be responsible for notifying the Department of Planning and Building at least 24 hours prior to the time when an inspection is necessary.

e. Where the nature of the project, type of soils, geologic condition, drainage, or weather conditions dictate that special engineering, geotechnical engineering, geological, or erosion and sedimentation control inspections are necessary to prevent danger to public health, safety or welfare, the Director may require the permit holder to retain a licensed professional qualified to perform the following.

(1) Supervise and coordinate all field surveys and the setting of grade stakes in conformity with the plans; to check elevations or grades; inclination of slopes; elevation and grades of drainage structures and other matters related to the geometric design of the work, including the design of revised or modified plans and "as-graded" plans, if necessary.

(2) Provide either periodic or continuous inspection of soils work, including grading and compaction.

(3) Provide geological inspections.

(4) Inspect all erosion, sediment, runoff control and revegetation practices applied to the site.

f. Where the nature of the project dictates that special environmental monitors be required, the environmental review process and mitigation measures shall establish the manner and timeframe in which this review shall occur. In these instances, the Director may require the permit holder to retain a qualified professional to perform the work identified from these measures.

g. On work requiring the continuous supervision and inspection of a civil engineer, geologist, geotechnical engineer, or certified erosion and sedimentation control specialist, required inspections within their respective areas of expertise may be delegated to the civil engineer, geologist, geotechnical engineer or certified erosion control specialist by the Director. At plan check, the Director shall indicate on each application for a grading permit the types of inspection, if any, to be made by the civil engineer, geologist, geotechnical engineer, or sediment and erosion control specialist.

h. If the civil engineer, geotechnical engineer, geologist, or sediment and erosion control specialist find that the work is not being performed in substantial conformity with this Chapter or the approved plans and specifications, notice shall be given to the person in charge of the grading work and to the Director. No work shall proceed unless and until the issuance of such written notice from the Director that work may proceed.

i. If the Director determines by inspection that grading as authorized is likely to endanger sensitive resources or public health, safety or welfare in the deposition of debris on any public or private property, or interfere with any existing drainage course, the Director shall require that effective precautions be taken to remove such likelihood or danger. Written notice to comply shall be given to the permit holder allowing no more than 10 days for corrections to begin unless an imminent hazard to sensitive resources or the public health, safety or welfare exists, in which case the corrective work shall begin immediately.

j. Final inspection, as required in this Chapter, shall be made to the satisfaction of the Director.

Moved to 22.52.170G – original language largely retained.

5. Testing. The Director may also require that the applicant pay for testing to be performed by an independent, approved testing laboratory and that the Civil Engineer issue an opinion to ensure compliance with this ordinance, permit conditions, and/or accordance with the provisions of Sections 306 and 7014 of the Uniform Building Code. The Director shall inspect or provide for adequate inspection of the project by appropriate professionals at the various stages of work and at any more frequent intervals necessary to determine that adequate control is being exercised by the professional consultants.

Moved to 22.52.170I – original language largely retained.

6. Transfer of responsibility. All work shall immediately stop upon termination of the services of the engineer or other professionals approved to supervise grading work. The permit holder shall terminate all such grading work, and shall not commence again until the succeeding civil engineer, geotechnical engineer, engineering geologist, or other approved professional certifies, in writing to the Director, that the professional has reviewed all reports and phases of the project, is thoroughly familiar with the proposed work and that the professional approves the work already completed and will assume responsibility for making the necessary improvements thereto. Upon receipt of this notice, the Director shall give written notice that work may proceed.

Moved to 22.53.170J – original language largely retained.

7. Final reports required. Upon final completion of the work, the following reports, drawings and supplements are required for engineered grading, when professional inspection is performed for minor grading, as applicable, and for other minor grading, where deemed necessary by the Director.

a. An as-graded grading plan prepared by the civil engineer retained to provide such services in compliance with Section 7014(e) of the Uniform Building Code showing original ground surface elevations, as-graded ground surface elevations, lot drainage patterns, and the locations and elevations of surface drainage and groundwater recharge facilities and of the outlets of subsurface drains. As-constructed locations, elevations and details of subsurface drains or percolation cisterns shall be as reported by the soils engineer. Civil engineers shall state, in writing to the Director, that to the best

of their knowledge the work within their area of responsibility was done in compliance with the final approved grading plan, and associated drainage, erosion and sedimentation control plans.

b. A report prepared by the soils engineer retained to provide such services in compliance with Section 7014(c) of the Uniform Building Code, including locations and elevations of field density tests, summaries of field and laboratory tests, other substantiating data, and comments on any changes made during grading and their effect on the recommendations made in the approved soils engineering investigation report, soils engineers shall submit a statement that, to the best of their knowledge, the work within their area of responsibility is in compliance with the approved soils engineering report and applicable provisions of the Uniform Building Code and this Chapter.

c. A report prepared by the engineering geologist retained to provide such services in compliance with Section 7014(d) of the Uniform Building Code, including a final description of the geology of the site and any new information disclosed during the grading and the effect of same on recommendations incorporated in the approved grading plan. Engineering geologists shall submit a statement that, to the best of their knowledge, the work within their area of responsibility is in compliance with the approved engineering geology report and applicable provisions of the Uniform Building Code and this Chapter.

d. An erosion and sediment control report prepared by the certified sediment and erosion control specialist or other qualified, approved professional including a final description of the erosion, sediment revegetation and runoff control practices applied on the site, including any new information disclosed during site development and the effect of same on recommendations incorporated in the approved grading plan and noting any changes required. Included shall be a statement that, to the best of their knowledge, the work within their area of responsibility is in compliance with the approved erosion and sedimentation control plan and applicable provisions of the Uniform Building Code and this Chapter.

e. The grading contractor shall submit in a form prescribed by the Director a statement of conformance to all as-graded plans and specifications.

22.52.130

22.52.130 - Standards

Subsection A

Moved to 22.52.150A – language largely maintained in tact. New subsections added: A.3.c.(5), A.4, and A.5.

A. Grading standards.

1. Excavation standards. All excavations are to be conducted in compliance with the provisions of Sections 3304 through 3318 of the Uniform Building Code Appendix and the following standards.

a. No excavation shall be made with a cut face steeper in slope than two horizontal to one vertical, except under one or more of the following conditions.

(1) The Director may permit an excavation to be made with a cut face steeper than two horizontal to one vertical if the applicant provides a slope stability analysis prepared by a geotechnical engineer or engineering geologist that the material making up the slope of the excavation and the underlying earth material is capable of standing on a steeper slope, and a certified soil and erosion control specialist or other qualified professional indicates, in writing, that either it is feasible to mitigate erosion and sedimentation impacts and that successful revegetation of the site can be accomplished or that due to the nature or composition of the cut slope, erosion and sedimentation measures and revegetation are unnecessary.

(2) A retaining wall or other approved support which also mitigates visual impacts of the device is provided to support the face of the excavation.

b. The Director may require an excavation to be made with cut face flatter in slope than two horizontal to one vertical if a slope stability analysis or other appropriate method of review indicates that the material in which the excavation is to be made is such that the flatter cut slope is necessary for stability, safety, or to prevent erosion and sedimentation impacts.

c. No cut slope shall exceed a height of 25 feet without intervening terraces having a minimum width of six feet. These terraces shall be vertically spaced at intervals of 25 feet except that for slopes less than 40 feet in vertical height the terrace shall be approximately at mid-height. Suitable access shall be provided to permit cleaning and maintenance. The Director may modify this requirement because of geologic or other special conditions.

d. The border of all cut slopes shall be rounded off to a minimum radius of five feet to blend with the natural terrain.

e. All cut slopes shall be within parcels under one ownership unless written permission is granted by the adjacent owner.

2. Fill standards. All fills are to be conducted in compliance with the provisions of Section 7010 of the Uniform Building Code and the following standards.

a. No fill shall be made which creates any exposed surface steeper in slope than two horizontal to one vertical, except under one or more of the following conditions.

(1) A retaining wall or other approved support which also mitigates any negative visual impacts of the device is provided.

(2) The Director may permit a fill to be made which creates an exposed surface steeper in slope than two horizontal to one vertical if the applicant shows through the investigation and report, to be approved by the Director, of a geotechnical engineer that the strength characteristics of the material to be used in the fill are such as to produce a safe and stable slope, that the areas on which the fill is to be placed are suitable to support the fill, and that the certified soil and erosion control specialist or other qualified professional indicates in writing that it is feasible to prevent erosion and sedimentation impacts and successful revegetation of the site can be accomplished.

b. The Director may require that fill be constructed with an exposed surface flatter than two horizontal to one vertical (2:1) if a slope stability analysis or other appropriate method of review indicates that such flatter surface is necessary for stability, safety, or to prevent erosion and sedimentation impacts.

c. Unless specified as a non-structural land reclamation, erosion control, or agricultural fill, all fills shall be placed, compacted, inspected, and tested in compliance with the following provisions.

(1) The natural ground surface shall be prepared to receive fill by removing vegetation, non-complying fill, topsoil and other unsuitable materials. The surface shall be scarified to provide a bond with the new fill and where slopes are steeper than five horizontal to one vertical (5:1) and the height is greater than five feet, by benching into sound bedrock or other competent material as determined by the soils engineer. The bench under the toe of a fill on a slope steeper than five horizontal to one vertical (5:1) shall be at least 10 feet wide. The area beyond the toe of fill shall be sloped for sheet overflow or a paved drain shall be provided. When fill is to be placed over a cut, the bench under the toe of fill shall be at least 10 feet wide, but the cut shall be made before placing the fill. The soils engineer, engineering geologist, or both, shall certify that the bench is a suitable foundation for the proposed fill.

(2) Except as otherwise permitted by the Director, no rock or similar irreducible material with a maximum dimension greater than six inches shall be buried or placed in fills. No organic material shall be permitted in structural fills. The Director may permit placement of larger rock when the soils engineer properly devises a method of placement, continuously inspects its placement, and approves the fill stability. The following conditions shall also apply.

(a) Prior to issuance of the grading permit, potential rock disposal areas shall be identified on the grading plan.

(b) Rock sizes greater than six inches in maximum dimension shall be 10 feet or more below grade, measured vertically.

(c) Rocks shall be placed so as to assure filling of all voids with well-graded soil.

(3) A fill shall be spread in a series of horizontal lifts as specified by the geotechnical engineer or other approved professional approved by the Director. The distribution of material throughout each layer shall be free of lenses, pockets or layers of material differing substantially in texture or gradation from the surrounding material. All material shall be compacted into a fill of uniform moisture and density as specified in paragraph (d) of this Subsection.

(4) All fills shall be compacted to a minimum of 90 percent of maximum density as determined by ASTM D 1557-(latest edition) or other approved testing method giving equivalent test results. Field density shall be determined by ASTM D 1556-(latest edition) or other equivalent methods approved by the Director.

(5) A field density test, as herein provided, shall be taken for each 24 inches of fill, or portion thereof, measured vertically from the lowest point of the area to be filled, and for each 200 cubic yards of fill placed unless a variation is recommended by the Soils Engineer and approved by the Director. In addition, in the case of a subdivision, field density tests shall be taken on lots which receive fill based upon the recommendations of a soils engineer.

(6) All fills regulated by this Chapter shall be tested for relative compaction by a qualified geotechnical testing agency. Final reports, including a letter certifying compliance with the terms of this Chapter, and the grading permit, setting forth densities, relative compaction and other fill characteristics shall be prepared and signed by a geotechnical engineer or soils engineer. This report shall be submitted to and approved by the Director before any final approval of the fill is given and before any foundation construction begins except for the digging of trenches and placing of reinforcing steel.

d. Fills toeing out on natural slopes which are steeper than two horizontal to one vertical shall not be permitted unless evaluated and approved by a geotechnical engineer or engineering geologist.

e. The border of fill slopes shall be rounded off to a minimum radius of five feet to blend with the natural terrain.

3. Grading setback standards. Cut and fill slopes shall be set back from site boundaries in compliance with the most current provisions of the Uniform Building Code and the following standards.

a. General. Setback dimensions shall be horizontal distances measured perpendicular to the site boundary. Setback dimensions shall be as shown in Figure 52-5.

b. Top of cut slope. The top of the cut slopes shall not be closer to a site boundary line than one fifth of the vertical height of cut with a minimum of two feet and a maximum of 10 feet. The setback may need to be increased for any required interceptor drains. The director may approve adjustments as a condition of the permit, as required by individual site conditions.

Figure 52-5 - Grading Setbacks

c. Toe of fill slope. The toe of fill slopes shall not be closer to the site boundary line than one-half the height of the slope with a minimum of two feet and a maximum of 20 feet. Where a fill slope is to be located near the site boundary and the adjacent off-site property is developed, or site conditions warrant, special precautions shall be incorporated in the work as the Director deems necessary to protect the adjoining property from damage as a result of such grading. These precautions shall include, but are not limited to the following.

- (1) Additional setbacks.
- (2) Provisions for retaining or slough walls.
- (3) Mechanical or vegetative treatment of the fill slope to minimize erosion.
- (4) Provisions for the control of surface waters.

d. Modification of slope location. The Director may approve alternate setbacks. The Director may require an investigation and recommendation by a qualified engineer, engineering geologist, or erosion control specialist to demonstrate that the intent of this Section has been satisfied.

e. Distance from property line. No cut or fill shall be made which is sufficiently close to the property line to endanger any adjoining public or private property or structures without supporting and protecting such property or structures from any settling, cracking, or other damage which might result.

Subsection B
Moved to 22.52.150B. Language
largely maintained in tact, but re-

B. Drainage standards. A Master Drainage Plan shall be required as part of the grading plan for all grading permit applications. Designs for site area drainage and terraces shall conform to the following provisions.

ordered and re-numbered. New subsections: B.1, B.2, B.3, B.11, B.13, and B.23.

1. Runoff volume. Runoff conveyance systems shall be capable of carrying the computed runoff volume from a 25-year frequency storm or greater if deemed necessary by the County Engineer. This may be reduced to a 10-year storm for small watersheds.
2. Interceptors. Concrete ditches or other approved methods of intercepting surface runoff waters shall be installed along the top of all cut slopes where the tributary drainage area has a slope 10 percent or greater and a horizontal projection greater than 40 feet.
3. Berms. Berms or drainage divides at least one foot high and three feet wide at the base shall be constructed at the top of all fill slopes where runoff would be directed towards the top of fill.
4. Over side drains. Over side drains shall be of concrete or corrugated metal pipe having a diameter required by run-off calculations, but not less than eight inches, and shall be aligned so as to minimize velocity at discharge points. Alternate designs approved by the County Engineer may be permitted.
5. Inlets. galvanized iron, or approved equivalent and shall be provided with overflow structures.
6. Outlets. Outlet structures shall be provided with approved velocity reducers, diversion walls, rip-rap, concrete aprons or similar energy dissipaters where necessary and aligned to minimize downstream erosion and reasonably maximize recharge at discharge points, and shall be approved by the County Engineer.
7. Dispersal structures. An approved drainage dispersal structure shall be constructed wherever it is necessary to convert channel flow to sheet flow.
8. Groundwater recharge methods. Identify all methods to enhance groundwater recharge that have been incorporated into project design.
9. Rain gutters. Approved rain gutters shall be provided to receive all roof water and dispose of the water in a groundwater enhancing and non-eroding manner where the Director determines it to be necessary because of steepness of slope or presence of erodible materials.
10. Building site drainage. All graded building pads shall slope a minimum of two percent to an approved drainage device or street. Where used, the drainage device shall be an approved system which conducts the water to a street, recharge area or drainage way. The top of footing stems or finish floor, if a concrete slab, shall extend above the top of street curb or inlet to the drainage device by a minimum of six inches plus two per cent of the distance from the footing to the drainage device or curb. The Director may allow 1 percent to be used, if, because of terrain or soils, 2 percent is not reasonably attainable or necessary.
11. Capacity of drainage devices. On graded sites, the Director may require that drainage devices calculated to convey runoff from a 25-year frequency storm or greater be installed, if deemed necessary to prevent erosion, to conduct storm water around buildings or structures and to the nearest street, recharge area or drainage way.

12. Appearance of drainage or recharge devices. Where drainage devices are highly visible from the street or located in the public viewshed, they shall be shielded from view, if practical. Where visible, drainage devices shall be compatible with area character and the existing topography. Exposed concrete oversize drains are prohibited within these situations unless a visual analysis indicates the prohibition to be unnecessary. If they are visible, the size shall be the minimum necessary to handle drainage and ensure ability to maintain all drainage devices which collect from the slopes shall convey drainage by means of underground pipes or rock-lined ditches or other approved materials to blend with the natural topography in character, color and design. Transitions from natural drainage courses to developed areas shall be accomplished with comparable landscaping and grading to blend with existing topography. Detention, retention, or recharge basins should be designed as a visual and/or recreational amenity within a project whenever practical.

13. Areas subject to flooding. Buildings or structures are not permitted in an area determined by the County Engineer to be subject to flood hazard by inundation, overflow, high velocity or erosion, except where the buildings or structures comply with the standards in Section 22.14.060, and provisions are made to eliminate identified hazards to the satisfaction of the County Engineer. These provisions may include providing adequate drainage facilities, protective walls, suitable fill, raising the floor level of the building or structure, or other means. The building and other structures (including walls and fences) shall be placed on the site so that water or mud flow will not be a hazard to on- or off-site structures or adjacent property. In the application of this standard, the County Engineer shall enforce as a minimum the current federal flood plain management regulations as defined in the National Flood Insurance Program authorized by United States Code Section 4001-4128 and contained in Title 44 of the Code of Federal Regulations, Part 59 et seq., which are hereby adopted and incorporated into this Title by reference as though they were fully set forth here.

14. Design of flood proofing measures. Flood proofing measures required by the County Engineer shall be designed by a licensed architect or registered civil engineer.

15. Sub-drains. The Director may require the installation of approved sub-drains in areas where underground water is anticipated.

16. Runoff computations. Runoff computations may be made by the rational method except where specific methods for calculating individual residential retention basins have been adopted.

17. Alternate designs. Alternate designs which provide equivalent safety and are approved by the County Engineer may be used in lieu of those contained in this Section.

Subsection C

Moved to 22.52.150F – language in C.1 has largely been replaced due to conflicts with the agricultural grading section. Language in C.2 and C.3 has largely been retained.

C. Dam and reservoir standards.

NOTE. All surface stream water impoundments require approval of an application to appropriate water from the California State Water Resources Control Board, Division of Water Rights.

1. Agricultural stock ponds. Agricultural stock ponds less than two acre feet in capacity are exempt from permit requirements. Agricultural stock ponds that are between two acre feet and 10 acre feet in capacity may be exempted if the plans are determined to be consistent with accepted design and conservation sites are approved by qualified professionals including a

civil engineer, U.S. Department of Agriculture, Natural Resource Conservation Services, Resource Conservation District. All other dams, reservoirs and impoundments require a grading permit unless the design is prepared or approved by , and is inspected and certified by, the U. S. Department of Agriculture, Resource Conservation Service or State of California Department of Water Resources and the work is exempt from the California Environmental Quality Act. If required by the Director, engineered grading shall be under the strict supervision of a registered civil engineer who shall be responsible for the structural design and the supervision of construction of such dam, reservoir or water impounding structure.

2. Ponds, reservoirs or dams. The proposed site of the pond, reservoir or dam shall not be.

a. Identified on any U.S. Geological Survey map as a lake, marsh, or solid or broken "blue line" stream unless the project has been reviewed subject to CEQA and determined to not contain significant adverse impacts to the aquatic or riparian resources.

b. In a location identified on any published geologic or soils maps on soils prone to slip or slide.

3. Required reports. The Director, in granting a permit for construction, may require supporting geological and geotechnical engineering reports as deemed necessary for the safe design and construction of such facility. A report from a civil engineer certifying that construction of the facility has been completed in conformity with the approved plans and specifications and this Chapter may be required.

Subsection D
Moved to Section 22.52.150C –
language is largely maintained in
tact. New subsections: C.14 and
C.15.

D. Erosion and sedimentation control standards. Erosion and sediment control measures shall be required as part of the grading plan requirements. Plan contents and standards shall be as specified in Section 22.52.090 (Erosion Control Plan Required).

1. Exposed man-made slopes shall be planted in permanent vegetation to prevent erosion unless determined by the Director or erosion control specialist to be unnecessary.

2. Grading limits shall be staked out as shown on the approved plans before site disturbance begins. All land disturbance shall be restricted to this area.

3. All earth fills and disturbed areas shall be planted, mulched and maintained, or otherwise protected from the effects of storm runoff and wind erosion. Permanent or temporary soil stabilization must be applied to denuded areas within 15 days after final grade is reached on any portion of the site. Denuded areas which may not be at final grade but which will remain undisturbed for longer than 60 days shall also be stabilized within 15 days. All mulching shall provide the same protection as that resulting from the application of two tons of straw mulch per one acre of surface area. All disturbed or denuded area created during the period between November 15 and March 15 of the following year shall be mulched or equally protected before quitting time each day.

4. All permanent slopes over three feet high shall be permanently revegetated to achieve a minimum of 70 percent coverage at 24 months. All slopes shall be maintained to assure the success of the plant material and the maintenance of the slope.

5. A minimum of one, one-gallon shrub shall be planted per 100 square feet of slope area where shrubs are appropriate to the area unless equivalent alternate measures are approved by the Director. Plant material must be selected to achieve 100 percent coverage of slope at maturity.
6. One, one-gallon tree shall be planted every 500 square feet of slope area where appropriate to the area unless equivalent alternative measures are approved by the Director.
7. Temporary or permanent irrigation shall be provided where necessary to assure the successful establishment of the plant material.
8. Grading for normal agricultural practices to prepare a field or normal crop or range improvement practices should be protected by recognized agricultural erosion control methods.
9. Grading permits may be conditioned to provide landscape and maintenance security.
10. Sediment basins shall be designed to trap and store all sediment particles larger than those passing a #200 testing sieve, from the peak discharge of a 25 year frequency storm.
11. Runoff shall enter and exit a basin through protected inlets and outlets as approved by the Director.
12. Sediment removal scheduling and sediment dispersal shall be as approved by the Director.
13. Temporary drainage control measures during construction to avoid concentration of flow which may cause or exacerbate erosion and sedimentation.

Subsection E

Moved to 22.52.150E – language largely maintained in tact.

E. Groundwater recharge standards. Groundwater recharge measures shall be required as part of the Site Plan Review requirements. Plan contents and standards shall be as specified in Section 22.52.100 and as listed below. Stormwater impound areas shall:

1. Be located to use the most permeable soils on the project site, where practical.
2. Be sufficiently shallow or properly shielded so that they do not pose a safety hazard.
3. Drain fast enough or be designed so that ponded water does not become a vector habitat (mosquito pond).

22.52.140

Moved to 22.52.190. Language is largely maintained in its original form, however revisions were made as described in the 9/24 staff report on page 1-12

22.52.140 - Enforcement and Interpretations

A. Stop Work Orders.

1. Whenever any grading, construction or earth work is being done contrary to the provisions of any approval or of any rule, regulation, law or ordinance, or whenever approval was based upon purposeful misinformation or misrepresentation,

or whenever the public health, safety or welfare is endangered, or any work is not in compliance with the plans or permits approved for the project, the Director shall issue a written notice or stop work order on the portion of the work affected. Such notice or order to stop work shall be served upon the property owner and any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Director to proceed with the work in writing. The notice or order shall state the reason for the notice and no work shall be done on that portion until the matter has been corrected and approval obtained from the Director. The order may specify actions necessary to restore the site or provide temporary measures for erosion and sedimentation control until the site has been approved for grading.

2. It shall be unlawful for any person to commence or continue any work regulated under the provisions of this Chapter in violation of, or contrary to any stop work notice or stop work order issued in compliance with this Section, except in conformity to the terms of such order or notice of order, or until relief from such order is obtained from the Director or, upon appeal, from the Board.

B. Appeal. All decisions, interpretations or acts of the Director regarding the implementation of the grading standards of this Chapter, shall be subject to appeal to the Board in compliance with Section 22.70.050.

C. Violations and penalties.

1. Any person, firm, corporation whether as principal, agent, employee or otherwise who shall commence, construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any provision of this Chapter is subject to civil or criminal action. The Board hereby declares that any grading done contrary to the provisions of this Code is unlawful and a public nuisance. The offense may be filed as either an infraction or a misdemeanor at the discretion of the San Luis Obispo County District Attorney.

2. In addition to any penalties prescribed, the Director shall submit a written report to the appropriate state licensing or professional registration board or society in cases where contractors or professional consultants violate the provisions of this Code.

3. Unless a different penalty is prescribed for violation of a specific provision of this Title, any person violating any of the provisions or failing to comply with the requirements of this Title is guilty of a misdemeanor, provided, however, that the offense shall be an infraction in the following events.

a. The prosecutor files a complaint charging the offense as an infraction unless the defendant, at the time of arraignment, after being informed of his rights, elects to have the case proceed as a misdemeanor, or;

b. The court, with the consent of the defendant, determines that the offense is an infraction, in which event the case shall proceed as if the defendant had been arraigned on an infraction complaint.

4. Each separate day on which a violation of this Title exists shall constitute a separate offense.

5. Any person convicted of a misdemeanor under this Title shall be punished by imprisonment in the County jail for a period not exceeding six months, or by a fine not exceeding \$1,000, or both such fine and imprisonment.

6. Any person convicted of an infraction under this Title shall be punished by a fine not exceeding \$100 for the first violation; by a fine not exceeding \$200 for a second violation of the same ordinance within one year; and by a fine not exceeding \$500 for each additional violation of the same ordinance committed by that person within one year.

7. Paying a fine or serving a jail sentence shall not relieve any person from responsibility for correcting any condition which violates any provision of this Title.

8. Due to the potentially greater environmental effects associated with grading without a permit or using inadequate or improper grading techniques, and the associated additional on-site and cumulative sedimentation and erosion impacts, as well as excessive native vegetation and wildlife impacts, the following shall be completed as a part of the remedial efforts.

The applicant shall include additional “cumulative impact” measures above that required for specific on-site remedial work (e.g. contribute to off-site revegetation banking program (where applicable and available), reestablish nearby degraded habitat, removal of surrounding undesirable weedy plants within a sensitive habitat) that is of comparable size as that disturbed, or as determined appropriate by the County.

D. Injunction, civil remedies and penalties, and costs.

1. Any person, firm, corporation whether as principal, agent, employee or otherwise who shall commence, construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or causes the same to be done, contrary to or in violation of any provision of this Chapter shall be subject to injunction against such activity and shall be liable for a civil penalty not to exceed \$6,000.

2. When the Director determines that any person has engaged or, is engaged, in any act(s) which constitute a violation of provision(s) of this Chapter, or order issued, the District Attorney or the County Counsel may make application to the Superior Court for an order enjoining such acts or practices, or for an order directing compliance, and upon a showing that such person has engaged in any such acts or practices, a permanent or temporary injunction, restraining order, or other order may be granted by a Superior Court having jurisdiction over the cause.

3. Any person, firm, corporation whether as principal, agent, employee or otherwise who shall commence, construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or causes the same to be done, contrary to or in violation of any provision of this Chapter shall be liable for and obliged to pay to the County of San Luis Obispo for all costs incurred by the County in obtaining abatement or compliance, or which are attributable to or associated with any enforcement or abatement action, whether such action is administrative, injunctive or legal; and for all damages suffered by the County, its agents, officers or employees as a result of such violation or efforts to enforce or abate the violation. (See Section 22.74.080, Recovery of Costs.)

4. Until all costs, fees and penalties assessed under this Chapter are paid in full, no final approval, Certificates of Completion, Certificates of Compliance, Certificates of Occupancy, land use permits or Final Map shall be issued or approved by the Planning and Building Department, Public Works Department, other County agencies, or the Board.

5. In determining the amount of civil penalty to impose, the Court shall consider all relevant circumstances, including but not limited to, the extent of the harm caused by the conduct constituting the violation; the nature and persistence of such conduct; the length of time over which the conduct occurred; the assets, liabilities and net worth of the persons responsible, whether corporate or individual; any corrective action taken by the persons responsible; and the cooperation or lack of cooperation in efforts toward abatement or correction.